

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed November 29, 2004. Reconsideration and allowance of the application and presently pending claims 1-61, as amended, are respectfully requested.

1. Present Status of Patent Application

Upon entry of the amendments in this response, claims 1-61 remain pending in the present application. More specifically, claims 1, 19, 37 and 47-53 are directly amended. These amendments are specifically described hereinafter. It is believed that the foregoing amendments and additions add no new matter to the present application.

2. Title Objection

The title has been amended to correct the typographical error as suggested by the Examiner. In view of that amendment, Applicants respectfully request that the objection be withdrawn.

3. Abstract Objection

The abstract of the disclosure has been objected to at page 2 of the Office Action because the "abstract disclosed is too long and should be narrowed down." Through this Response, Applicants have amended the abstract to comply with the 150 word limit that is a new rule required after submittal of this application. In view of that amendment, Applicants respectfully request that the objection be withdrawn.

4. Specification Objections

The specification has been objected to at pages 2-4 of the Office Action for containing various informalities and typographical errors. In response to the objection, Applicants have amended the specification to correct these informalities. Additionally, various amendments have been made to the specification through this Response to correct typographical and grammatical errors. Although these amendments effect various changes to the specification, it is respectfully asserted that no new matter has been added.

More specifically, the Office Action at page 3 indicates that "a grammatical error appears in the second sentence of the sixth paragraph of the Background of the

Invention. The sentence reads 'Each user device 28 and 30, are connected'. The sentence should read 'Each user device 28 and 30 is connected'." Applicants have amended the specification as suggested.

The Office Action at page 3 alleges that "a reference error occurs in the last sentence of the seventh paragraph of the Background of the Invention. DSL commonly refers to digital subscriber line, not digital subscribe loop as referred to by applicant." Applicants, well versed in the arts, respectfully point out that in this art the term "loop" and the term "line" are interchangeably used. However, to clarify the point raised by the Office Action, Applicants amend the Specification to indicate such interchangeability.

The Office Action at page 3 indicates that "in the eighth sentence of the thirteenth paragraph of the Background of the Invention, applicant refers to 'VC 93' in Fig. 1. No reference to VC 93 is present in Fig. 1 or any of the accompanying drawings. The examiner assumes the applicant meant to write VC 92 instead of VC 93." Applicants have amended the specification as suggested.

The Office Action at page 3 alleges that "a reference error occurs in the fourth sentence of the first paragraph of the Summary of the Invention. DSLAM commonly refers to digital subscriber line access multiplexer, not digital subscriber loop access multiplexer as referred to by applicant." Applicants, well versed in the arts, respectfully point out that in this art the term "loop" and the term "line" are interchangeably used. However, to clarify the point raised by the Office Action, Applicants amend the Specification to indicate such interchangeability. (Please refer to Applicants' comments below regarding the claim objections.)

The Office Action at page 3 indicates that "in the second sentence of the thirty-first paragraph of the Detailed Description of the Preferred Embodiment, applicant refers to 'Troubleshooting Portal 252' in Fig. 5. No reference to 252 is present in Fig. 5 or any of the accompanying drawings. The examiner assumes the applicant meant to write Troubleshooting Portal 100 instead of Troubleshooting Portal 252." Applicants have amended the specification as suggested.

The Office Action at page 3 indicates that "a grammatical error appears in the second sentence of the thirty-second paragraph of the Detailed Description of the Preferred Embodiment. The sentence reads 'One embodiment of troubleshooting portal 100 have access'. The sentence should read 'One embodiment of troubleshooting portal 100 has access'." Applicants have amended the specification as suggested.

The Office Action at page 3 indicates that “in the forty-third paragraph of the Detailed Description of the Preferred Embodiment, applicant refers to ‘communication system 304’ in Fig. 7. Reference to communication system 304 is made in the second, third, fourth, and sixth sentences of the paragraph. No reference to 304 is present in Fig. 7. Reference to 304 is made in Fig. 6, but the reference is not to a communication system. The examiner assumes the applicant meant to write communication system 344.” Applicants have amended the specification as suggested.

The Office Action at page 3 indicates that “in the second to last paragraph of the Detailed Description of the Preferred Embodiment, applicant refers to ‘switch 150’ in Fig. 2. Reference to switch 150 is made in the third, fourth, and fifth sentences. No reference to switch 150 is present in Fig. 2 or any of the accompanying drawings. The examiner is unclear which switch the applicant meant to write.” Applicants have amended the specification to indicate that switch 50 is the referenced switch, as originally intended when the application was drafted.

In view of these amendments, Applicants respectfully submit that the specification is not objectionable, and therefore respectfully requests that the objections be withdrawn. Furthermore, Applicants appreciate the amendments suggested by the Examiner and appreciate the Examiner’s assumptions which were made so that prosecution of the application could proceed in a timely manner.

6. Drawing Objections

The drawings have been objected to under 37 C.F.R. 1.84(o) for the lack of suitable descriptive legends. In response to this objection, the drawings have been amended to show the required legends. Furthermore, the Specification is amended at page 4, line 24 to indicate that the legend “S” corresponds to the term switch, is amended at page 5, line 4 to indicate that the legend “AU” corresponds to the phrase access unit, and is amended at page 13, line 17 to indicate that the legend “P” corresponds to the term portal.

A clean copy of Figures 1, 2, 4, 5 and 7 have been included with this Response. Applicants believe that no new matter has been added. In view of the above-noted amendments to the drawings, Applicants respectfully submit that the drawings are acceptable and respectfully request that the objection be withdrawn.

6. Claim Objections

The Office Action at page 4 objects to claims 4, 6, 22, 24 and 53 because the claims recite the limitation of a “digital subscriber loop access multiplexer (DSLAM).” The Office Action alleges that “DSLAM commonly refers to digital subscriber line access multiplexer, not digital subscriber loop access multiplexer as referred to by applicant.” Applicants, well versed in the arts, respectfully point out that in this art the term “loop” and the term “line” are interchangeably used. As noted above, Applicants have amended the Specification to indicate such interchangeability. Because of recently imposed limitations on amended claim elements, particularly in view of the recent *Festo* line of cases, Applicants are not amending the claims herewith. Applicants believe that the claims as originally filed are fully disclosed and meet the requirements of 35 U.S.C. §112.

In any event, Applicants are ordinarily entitled to be their own lexicographers (*In re Castaing*, 429 F.2d 461, 166 U.S.P.Q. 550, 551 (C.C.P.A. 1970)). That is, the Applicants are allowed to define terms, regardless of common or technical meaning, so long as the meaning is clear and the definition is not repugnant to the normal usage of the term. In the specification as originally filed, the phrase “digital subscriber loop access multiplexer (DSLAM)” is clearly defined.

Accordingly, Applicants respectfully request withdrawal of the objection to claims 4, 6, 22, 24 and 53.

Additionally, claims 47-53 are objected to “because of the following informality: ‘trouble shooring’ should be ‘troubleshooting’ like it appears throughout the specification.” Applicants have amended the claims as required. Accordingly, Applicants respectfully request withdrawal of the objection to claims 47-53.

Applicants observe that the amendments to claims 47-53 are not made in response to a rejection made by the Examiner based upon cited art of record, but rather, the amendments to these claims merely correct typographical errors. Therefore, the amendments to claims 47-53 to correct the spelling to “troubleshoot” does not narrow the scope of these claims as originally filed. Accordingly, no prosecution history estoppel arises from the amendments to these claims.

7. Response to Rejection of Claims 1-3, 5, 7-9, 16-21, 23, 25-27, 34-41, 43-48, 51-52, 54-57, 60-61 Under 35 U.S.C. §102(e)

In the Office Action, claims 1-3, 5, 7-9, 16-21, 23, 25-27, 34-41, 43-48, 51-52, 54-57, 60-61 stand rejected under 35 U.S.C. §102(e) as allegedly being unpatentable by *Hassell* (U.S. Patent 6,625,114). For a proper rejection of a claim under 35 U.S.C. Section 102, the cited reference must disclose all elements/features/steps of the claim. See, e.g., *E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 USPQ2d 1129 (Fed. Cir. 1988). Applicants note that the inventor Ms. Hassell of the present application and Ms. Hassell of the cited U.S. Patent 6,625,114 are the same individual.

a. Claims 1-3, 5, 7-9, 16-21, 23, 25-27 and 34-36

Applicants respectfully submit that independent claims 1 and 19 as amended, are allowable for at least the reason that *Hassell* does not disclose, teach, or suggest the feature of “receiving a specification from a user by said first communication device, the specification comprising at least one predefined identifier that identifies the second communication device, and for receiving a request to establish connectivity between the user and said second communication device” and the features of “receiving at least troubleshooting data and a test from the user; and communicating said received troubleshooting data and said test to the second device” as recited in claims 1 and 19.

Hassell does not disclose, teach, or suggest any sort of user related use of a device, nor does *Hassell* disclose, teach, or suggest any sort or troubleshooting data or test received from the user. Thus, *Hassell* does not anticipate claims 1 or 19, and the rejection should be withdrawn.

Because independent claim 1 is allowable over the cited art of record, dependent claims 2-3, 5, 7-9 and 16-18 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that the dependent claims 2-3, 5, 7-9 and 16-18 contain all features/elements of independent claim 1. Similarly, because independent claim 19 is allowable over the cited art of record, dependent claims 20-21, 23, 25-27 and 34-36 (which depend from independent claim 19) are allowable as a matter of law for at least the reason that the dependent claims 20-21, 23, 25-27 and 34-36 contain all

features/elements of independent claim 19. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, the rejection to these claims should be withdrawn.

b. Claims 37-41, 43-48 and 51-52

Applicants respectfully submit that independent claim 37 as amended, is allowable for at least the reason that *Hassell* does not disclose, teach, or suggest the feature “wherein said user specifies to said processor at least troubleshooting data and a test such that said troubleshooting data and said test is communicated to said second device” as recited in claim 37.

As noted above, *Hassell* does not disclose, teach, or suggest any sort or troubleshooting data or test received from the user. Thus, *Hassell* does not anticipate claim 37, and the rejection should be withdrawn for at least this reason alone.

Furthermore, claim 37 recites the feature “wherein a user initiates a session with said troubleshooting portal, and wherein said user specifies to said processor a predefined identifier associated with said second communication device such that said processor instructs said configuration module to establish connectivity between said first communication device and said second communication device based upon said predefined identifier.” Applicants note that the Office Action does not expressly reject this feature of claim 37.

Accordingly, the rejection itself is legally insufficient to reject claim 37. MPEP section 706.02(j) indicates that “it is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply. ... It is important that the written record clearly explain the rationale for decisions made during prosecution of the application.” Applicants assert that the rejection of claim 37 is improper since the basis of the rejection is not articulated, and locations of the alleged teachings in *Hassell* are not identified. That is, the Applicants are unable to reply to the Office Action allegation because the Applicants do not know precisely what features are rejected, and where such features are allegedly disclosed in *Hassell*.

Because independent claim 37 is allowable over the cited art of record, dependent claims 38-41, 43-48 and 51-52 (which depend from independent claim 37) are allowable as a matter of law for at least the reason that the dependent claims 38-41,

43-48 and 51-52 contain all features/elements of independent claim 37. Accordingly, the rejection to these claims should be withdrawn.

c. Claims 54-57 and 60-61

Applicants respectfully submit that independent claim 54 as amended, is allowable for at least the reason that *Hassell* does not disclose, teach, or suggest the features of “receiving at least troubleshooting data and a test from the user; and communicating said received troubleshooting data and said test to the second device” as recited in claim 54.

As noted above, *Hassell* does not disclose, teach, or suggest any sort or troubleshooting data or test received from the user. Thus, *Hassell* does not anticipate claim 54, and the rejection should be withdrawn for at least this reason alone.

Furthermore, claim 54 recites the features of “interfacing *with a user*, said user residing in a location associated with said first communication device” and “receiving a predefined identifier *from said user*, said predefined identifier being associated with said second communication device” (emphasis added). Since *Hassell* does not disclose, teach, or suggest any sort interfacing with or receiving from a user, *Hassell* does not anticipate claim 54, and the rejection should be withdrawn for at least this reason alone.

Furthermore, Applicants note that the Office Action does not expressly reject the above-recited features pertaining to interfacing with or receiving from the user which is recited in claim 54. Accordingly, the rejection itself is legally insufficient to reject claim 54. As noted above, MPEP section 706.02(j) indicates that “it is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply. ... It is important that the written record clearly explain the rational for decisions made during prosecution of the application.” Applicants assert that the rejection of claim 54 is improper since the basis of the rejection is not articulated, and locations of the alleged teachings in *Hassell* are not identified. That is, the Applicants are unable to reply to the Office Action allegation because the Applicants do not know precisely what features are rejected, and where such features are allegedly disclosed in *Hassell*.

Because independent claim 54 is allowable over the cited art of record, dependent claims 55-57 and 60-61 (which depend from independent claim 54) are

allowable as a matter of law for at least the reason that the dependent claims 55-57 and 60-61 contain all features/elements of independent claim 54. Accordingly, the rejection to these claims should be withdrawn.

8. Response to Rejection of Claims Under 35 U.S.C. §103(a)

a. Claims 4, 6, 22, 24, 42 and 53

In the Office Action, claims 4, 6, 22, 24, 42 and 53 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Hassell* in further view of the Applicants' admitted prior art.

Because independent claims 1, 19 and 37 are allowable over the cited art of record, dependent claims 4, 6, 22, 24, 42 and 53 (which depend from independent claim 1, 19 and 37, respectively) are allowable as a matter of law for at least the reason that the these dependent claims contains all features/elements of their respective independent base claim. Accordingly, the rejection to these claims should be withdrawn.

b. Claims 10, 11, 13, 28, 29, 31 and 49

In the Office Action, claims 10, 11, 13, 28, 29, 31 and 49 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Hassell* in further view of *Van Horne* (U.S. Patent 6,128,601).

Because independent claims 1, 19 and 37 are allowable over the cited art of record, dependent claims 10, 11, 13, 28, 29, 31 and 49 (which depend from independent claim 1, 19 and 37, respectively) are allowable as a matter of law for at least the reason that the these dependent claims contains all features/elements of their respective independent base claim. Accordingly, the rejection to these claims should be withdrawn.

c. Claims 12, 30 and 58

In the Office Action, claims 12, 30 and 58 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Hassell* in further view of *Van Horne* in further view of *Hasenstein* (Diplomarbeit: IP Network Address Translation. 1997. Pages 1-13).

Because independent claims 1, 19 and 54 are allowable over the cited art of record, dependent claims 12, 30 and 58 (which depend from independent claim 1, 19 and 54, respectively) are allowable as a matter of law for at least the reason that the these dependent claims contains all features/elements of their respective independent base claim. Accordingly, the rejection to these claims should be withdrawn.

d. Claims 15, 33 and 59

In the Office Action, claims 15, 33 and 59 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Hassell* in further view of *Van Horne* in further view of *Sheresh* (Proxy Server 2.0. April, 1999. Pages 1-5).

Because independent claims 1, 19 and 54 are allowable over the cited art of record, dependent claims 15, 33 and 59 (which depend from independent claim 1, 19 and 54, respectively) are allowable as a matter of law for at least the reason that the these dependent claims contains all features/elements of their respective independent base claim. Accordingly, the rejection to these claims should be withdrawn.

9. Traversal to Combine Other Art with *Hassell* Under 35 U.S.C. §103(a)

In the Office Action, claims 10, 11, 13, 28, 29, 31 and 49 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Hassell* in further view of *Van Horne* (U.S. Patent 6,128,601). Also, claims 12, 30 and 58 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Hassell* in further view of *Van Horne* in further view of *Hasenstein*. Finally, claims 15, 33 and 59 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Hassell* in further view of *Van Horne* in further view of *Sheresh*.

In rejecting the above-listed claims, Applicants note that the Office Action selectively uses limited portions of *Van Horne*, *Hasenstein* and *Sheresh*, and then alleges that the selected portions are obvious to combine with *Hassell*. The remaining portions of the secondary references *Van Horne*, *Hasenstein* and *Sheresh* are not specifically used by the present Office Action in the rejection of the pending claims.

Accordingly, Applicants respectfully traverse any presumptive implication that the remaining portions of the secondary references *Van Horne*, *Hasenstein* and *Sheresh* which are not specifically used by the present Office Action may be properly combinable with *Hassell*. That is, Applicants assert that there is no motivation to

combine *Hassell* with those other portions of *Van Horne*, *Hasenstein* and *Sheresh* that are not already selectively used to reject pending claims in this Office Action.

a. *Van Horne*

More specifically, with respect to *Van Horne*, the Office Action alleges that *Van Horne* “describes a system similar to Hassell’s where remote computers log onto a communication network, like the Internet, through a server which assigns IP addresses to the clients. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Van Horne with those of Hassell to create a system where clients are identified by designated IP addresses.” The Office Action then alleges that *Van Horne* “discloses a system where the step of assigning the first IP address is done by an access provider. Van Horne discloses that a client request for an IP address is regulated by server software or an access control module regulated by an access provider in a provider network. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Van Horne with those of Hassell to create a system where an access provider monitors the assigning of IP addresses because such a system would be more secure.”

Applicants note that the selected limited teachings in *Van Horne*, which were selected to form the basis of rejection of claims 10, 11, 13, 28, 29, 31 and 49, are limited to the *Van Horne* IP addresses. Other portions of *Van Horne* are not relevant to the subject matter of claims 10, 11, 13, 28, 29, 31 and 49, and accordingly, are not used to reject the claims. Accordingly, Applicants assert that there is no presumptive motivation to combine *Hassell* with those other portions of *Van Horne* that are not already selectively used to reject pending claims 10, 11, 13, 28, 29, 31 and 49.

b. *Hasenstein*

With respect to *Hasenstein*, the Office Action alleges that *Hasenstein* discloses, “in his introduction, network address translation is an efficient way to circumvent IP shortage in a network situation, such as the one created by Hassell. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hasenstein with those of Hassell in further view of Van Horne to use network address translation to circumvent IP shortage.”

Applicants note that the selected limited teachings in *Hasenstein*, which were selected to form the basis of rejection of claims 12, 30 and 58, are limited to circumventing IP shortage in a network situation. Other portions of *Hasenstein* are not relevant to the subject matter of claims 12, 30 and 58, and accordingly, are not used to reject the claims. Accordingly, Applicants assert that there is no presumptive motivation to combine *Hassell* with those other portions of *Hasenstein* that are not already selectively used to reject pending claims 12, 30 and 58.

c. *Sheresh*

With respect to *Sheresh*, the Office Action alleges that *Sheresh* discloses, “three benefits to using a proxy server, including the benefit of IP address aggregation and management. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of *Sheresh* with those of *Hassell* in further view of *Van Horne* and add a proxy server for benefits including IP address aggregation and management.”

Applicants note that the selected limited teachings in *Sheresh*, which were selected to form the basis of rejection of claims 15, 33 and 59, are limited to benefits of using a proxy server. Other portions of *Sheresh* are not relevant to the subject matter of claims 15, 33 and 59, and accordingly, are not used to reject the claims. Accordingly, Applicants assert that there is no presumptive motivation to combine *Hassell* with those other portions of *Sheresh* that are not already selectively used to reject pending claims 15, 33 and 59.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-61 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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